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17.2.2000

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 17TH DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H.N. NARAYAN

CIVIL REVISION PETITION NO.1289/1998 C/W 1290/1998

IN C.R.P. NO.1289/1998

Chandraiah, S/o

Anjanaiah, Token No.990,

Conductor, K.S.R.T.C.,

Kunigal Depot, Kunigal.

..PETITIONER.

(By Sri. K.V. Narasimhan, Adv. for Petr.)

IN C.R.P. NO.1290/1998

Sri. H.R. Ranganath,

S/o H.A. Ramakrishna Rao,

Helper-B,

K.S.R.T.C., Kunigal Depot,

Kunigal.

..PETITIONER.

(By Sri. K.V. Narasimhan, Adv. for Petr.)

-Vs-

The Nedungadi Bank Limited

Bangalore Branch, Lalbagh

Fort Road, Bangalore-560 004,

having its Head Office
at Robinson Road,
Calicut represented by
its Power of Attorney and
Senior Manager P.T. Sashidharan,
Major.

..RESPONDENT.

(Common in both the petitions)

* * *

Civil Revision Petition is filed U/s 18 of
the Small Causes Court Act against the Order dated
26.3.1998 passed in S.C.NO.1742/1997 & 1751/97 on the file
of the Judge, Court of Small Causes, Bangalore City.

These Civil Revision Petition coming on for
ADMISSION this day, the Court made the following:-

ORDER

C.R.P.1289 & 1290 of 1998

These revisions coming on for admission
today, notice to respondent is dispensed with
as unnecessary in view of the nature of the
impugned order. The trial Court has rejected
defendant's (petitioner herein) application filed
under Order 18 Rule 17 CPC to recall PW-1 for
further cross examination. In the memorandum

of facts the learned counsel for the defendant has stated that certain questions could not be put to PW-1 in the cross examination by over sight and for want of material with him at the time of corss examination. Therefore, he requested the Court to recall PW-1. The trial court has rejected the request solely on the ground that the learned counsel for the defendant has not disclosed the proposed questions to cross examine PW-1.

2. It is true that the Advocate has not stated in detail what are the questions she would like to ask PW-1. However, it amounts to denial of the opportunity for the defendant to put questions to the defendant in the cross examination. In my opinion, the trial Judge has erred in rejecting his application. Therefore, the revision is allowed. The trial court is directed to permit the defendant to cross examine PW-1 further on the next date of hearing.

Sd/-

JUDGE.

Ty by: GM

C by: *K.S.*

R by: *h*

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Wz

Assistant Registrar
High Court of Karnataka
Bangalore-560 001

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